UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/726,046 | 12/02/2003 | Kailash K. Mutha | LUC-430/Mutha 1 | 2678 |

32205 7590 06/03/2009

Carmen Patti Group , LLC
ONE NORTH LASALLE STREET
44TH FLOOR
CHICAGO, IL 60602

| EXAMINER | |
|---|---|
| DAFTUAR, SAKET K | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2451 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 06/03/2009 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Advisory Action Before the Filing of an Appeal Brief | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/726,046 | MUTHA, KAILASH K. | |
| | Examiner | Art Unit | |
| | SAKET K. DAFTUAR | 2451 | |

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED 26 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1,2,5-11,14,15 and 19-28*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451

/S. K. D./
Examiner, Art Unit 2451

Continuation of 11. does NOT place the application in condition for allowance because: applicant arguments are not persuasive. Applicant continues to argue the subject matter that was previously presented before final office action and merely argues the motivation to combine the teachings of multiple cited prior art.

In response to applicant's argument that one skilled in the art would not be motivated to combine the techniques of data communication and voice communication to obtain a predicatable result in mobile wireless communication and applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, below is the extract of final office action that was sent out on May 12th, 2009 and where examiner has addressed the same arguments.

4. Claims 1-2, 5-11, 14-15, and 19-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar et al U.S. Patent Number 6,324,582 B1 (hereinafter Sridhar) and Thompson et al U.S. Publication Number 2002/0075304 A1 (hereinafter Thompson) and further in view of Gonzalez et al. US Patent Number 6,901,139 B2 (hereinafter Gonzalez).

As per claim 1, Sridhar discloses one or more server [see figure 6, blocks 616, 630, 640] components operable to communication with one or more router component wherein the one or more server components employ one or more identifiers of one or more communication devices [router 614, 622] to make a determination of one or more internet protocol addresses of one or more router components (Abstract, column5, line 5 - column 6, line 20; column 8, line 18 - column 9, line 29), wherein the one or more router components register one or more assigned internet protocol addresses with the one or more server components,(Abstract, column5, line 5 - column 6, line 20; column 8, line 18 - column 9, line 29, see Figures 6, 9-11 and column 19, lines 1-51 see figure 1, router is located in network).
Sridhar teaches that each network is associated with Router (see figure 1, router is located in network) in order for packet to be transported to and from the assigned network.
However, Sridhar is silent about the user identifier being a phone number, an email address, an Instant message name and user name and the router being located in the one or more homes or offices network and wherein at least one of the one or more screening preferences is an alert preference which directs the communication devices to employ a different ring tone or message alert for the one or more messages or calls.
Thompson teaches that the one or more identifiers comprise any one or more of: a phone number [respective unique dial numbers in the switched telephone network] for one or more users [team] associated with the one or more communication devices (see paragraph 0011, 0031, 0083 PSTN destination number, IP address, e-mail address for each communication device identified by the respective team member in their current personal profile); an email address for the one or more users associated with the one or more communication devices (see paragraph 0011, 0031, 0083 PSTN destination number, IP address, e-mail address for each communication device identified by the respective team member in their current personal profile) ; an instant message name for the one or more users associated with the one or more communication devices (see paragraph 0011, 0031, 0083, 0086, and 0107-0108 team member communicating with other person or team members through instant messaging, email, voice and multi-media communications and the telephone number of the team member's home telephone hand-set and the IP and e-mail addresses of the team member's home PC are included in the communications preferences information to enable establishment of text and voice communications sessions); and a user name for the one or more users associated with the one or more communication devices (see paragraph 0011, 0031, 0083, 0086, and 0107-0108 team member communicating with other person or team members through instant messaging, email, voice and multi-media communications and the telephone number of the team member's home telephone hand-set and the IP and e-mail addresses of the team member's home PC are included in the communications preferences information to enable establishment of text and voice communications sessions) located in a home or office network.; wherein the one or more server components employ the one or more identifiers and one or more screening preferences to direct one or ore messages or calls through the one or more router components to the one or more communication devices, and wherein at least one of the screening preferences is an alert preferences (see paragraph 0011, 0031, 0083, 0086, 0107-0108 and 0197 alerting the team member if the team members using VTE clients (A) and (B) that (C) [examiner considers team members id has been used to screen communication between one or more clients and the same user id has been used to alert other team members indicating that one or more team members has joined the conference] has joined the voice communications session)
Gonzalez teaches one of the one or more screening preferences is an alert preference which directs the communication devices to employ a different ring tone or message alert for the one or more messages or calls (see abstract, see figure 3, column 1, line 23 - column 2, line 46, column 3,line 35 - column 5, line 43).
Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to provide the teachings of Sridhar and , Thompson, as they all are from same field endeavor, to provide a improved scalable system for point to point data streaming, to allow average internet users to deliver their streaming data over the Internet at minimal setup for a low cost, to provide an improved monitoring that allows user to starts the stream from within the viewer controls and to provide a built in session tracking system or alerting system separate by utilizing the known technique as taught by Gonzalez to provide users or subscribers a improved service that automatically identifies the other communicating party of selective distinct ring tones for several messaging types.

5. Claims 3-4 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar and Thompson as applied to claims 1-2, 5-11, 14-15, and 19-21 above, and further in view of Conrath U.S. Patent Number 7,103,770 B2 (hereinafter Conrath).
As per claims 3 and 4, Sridhar discloses one or more server components that employ one or more identifiers of one or more communication devices to make a determination of one or more internet protocol addresses of one or more router components, wherein the one or more identifiers comprise any one or more of: a phone number for one or more users associated with the one or more communication devices; an email address for the one or more users associated with the one or more communication devices; an instant message name for the one or more users associated with the one or more communication devices; and a user name for the one or more users associated with the one or more communication devices.
However, Sridhar is silent about the Internet protocol not being static and dynamic address.
As per claim 3, Conrath teaches wherein one or more of the one or more server components search one or more of the one or more databases to make a determination of the one or more dynamic internet protocol addresses of the one or more of the one or more router components (column 1, line 60 - 2, line 6).
As per claim 4, Conrath teaches wherein one or more of the one or more server components search one or more of the one or more databases to make a determination of the one or more static internet protocol addresses of the one or more of the one or more router components (column 1, line 60 - 2, line 6).
Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to provide the teachings of Sridhar, Conrath and Thompson, as they all are from same field endeavor, to provide a improved scalable system for point to point data streaming, to allow average internet users to deliver their streaming data over the Internet at minimal setup for a low cost, to provide an improved monitoring that allows user to starts the stream from within the viewer controls and to provide a built in session tracking system or alerting system separate by utilizing the known technique as taught by Gonzalez to provide users or subscribers a improved service that automatically identifies the other communicating party of selective distinct ring tones for several messaging types.

6. Claims 12, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar, Thompson, and Conrath as applied to claims 1- 11, 14-17, and 19-21 above, and further in view of Brooks et al U.S. Patent Number7, 047,305 B1 (hereinafter Brooks).
As per claims 12 and 18, Sridhar discloses one or more server components that employ one or more identifiers of one or more communication devices to make a determination of one or more internet protocol addresses of one or more router components, wherein the one or more identifiers comprise any one or more of: a phone number for one or more users associated with the one or more communication devices; an email address for the one or more users associated with the one or more communication devices; an instant message name for the one or more users associated with the one or more communication devices; and a user name for the one or more users associated with the one or more communication devices.
However, Sridhar is silent about one or more of the one or more communication devices comprise one or more smart appliances with one or more functions and one or more functions of the one or more smart appliances through direction of one or more of the one or more messages or calls through one or more of the one or more router components.
As per claims 12 and 18, Brooks teaches the one or more of the one or more communication devices comprise one or more smart appliances with one or more function, wherein one or more of the one or more second server components direct one or more of the one or more messages [video streaming] or calls through one or more of the one or more router components to trigger one or more of the one or more functions of the one or more smart appliances and the step of sending the one or more messages or calls to the one or more internet protocol addresses of the one or more router components (see column 1, lines 20-36).
Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to provide the teachings of Sridhar, Conrath, Thompson and Brooks, as they all are from same field endeavor, to provide a improved scalable system for point to point data streaming, to allow average internet users to deliver their streaming data over the Internet at minimal setup for a low cost, to provide an improved monitoring that allows user to starts the stream from within the viewer controls and to provide a built in session tracking system or alerting system separate by utilizing the known technique as taught by Gonzalez to provide users or subscribers a improved service that automatically identifies the other communicating party of selective distinct ring tones for several messaging types.

.

/S. K. D./
Examiner, Art Unit 2451